

Remarks

Claims 1 and 45-60 remain pending in the Application. No new matter has been added. Entry of the amendment is respectfully requested. Reconsideration is respectfully requested.

Claim Status

Claims 56-60 were objected to because of the term "generally".

Claims 1 and 45-60 were rejected as obvious pursuant to 35 U.S.C. § 103(a) over Black (US 6,786,354) in view of Youn (US 6,592,118).

The Objections

The Applicants respectfully traverse the objections. Nevertheless, the claims have been amended as requested to advance prosecution.

The term "generally" was not indefinite in the manner previously recited. MPEP 2173.05(b) lists "substantially" as an acceptable term. Although not limited thereto, "generally vertical" and "substantially vertical" were held to have the same meaning in *Peham Plastics, Inc. v. Jacobson Hat. Co. Inc.*, 208 USPQ 909. Applicants reserve all rights to reintroduce the previously recited claim language.

The 35 U.S.C. § 103(a) Rejections

The Action alleges that Black teaches a media cassette (10) having display means (50) as an indicator. The Action (on page 3, lines 3-4) admits that Black does not teach or suggest a media-low lockout arrangement.

The Action relies on Youn for teaching the recited media-low lockout arrangement. However, the Action is silent as to where Youn teaches the alleged features. Applicants respectfully request the Office to clearly state on the record which specific (numbered) features in Youn constitute the alleged "media-low lockout arrangement". Applicants respectfully disagree with the Action's allegation that Youn teaches "automatic locking and releasing of the pusher plate during insertion and removal of the media cassette".

The Action further alleges that it would have been obvious to employ an automatic push plate locking mechanism of Youn into Black's media cassette to produce the recited invention. The Applicants respectfully disagree with the interpretation and application of the references.

Claim 1

As previously mentioned, the Action relies on Black's display means (50) as an indicator. Black's display means (50) is in the form of LEDs (50a to 50e) (col. 3, lines 23-25). However, claim 1 recites that "the indicator device is operative for *movement* between an indicating position and a non-indicating position". It is unclear how Black's LEDs can *move* between an indicating position and a non-indicating position.

The Action relies on Youn for teaching the recited media-low lockout arrangement. However, what component in Youn is the Office alleging constitutes an indicator device that is locked? Furthermore, claim 1 recites that "the arrangement is operative to *automatically* lock the indicator device in one of the indicating and non-indicating positions". In Youn, the hook member (36) can be engaged to the latching pin (24) to hold back the push plate (4). This enables a person to load the cassette (2) without having to manually hold back the push plate (col. 2, lines 3-10). However, the person still has to *manually* pull back the push plate to engage the hook member (36) and latching pin (24) (col. 4, lines 52-55; col. 5, lines 66-67). Youn actually teaches against the recited invention. Youn's spring (6) acts to (automatically) keep the push plate (4) unlocked (col. 4, lines 35-37).

The rejection, which lacks the necessary evidence and rationale, is based on hindsight impermissibly gleaned only from Applicants' disclosure. The Action does not factually support any *prima facie* conclusion of obviousness. The references, taken alone or in combination, do not teach or suggest the recited features and relationships. The references are devoid of any teaching, suggestion, or motivation for combining features thereof so as to produce the claimed invention. Even if it were somehow possible for the references to be combined as alleged, the resultant combination still would not have resulted in the claimed invention.

Claim 56

Note Applicants' remarks in support of the patentability of claim 1. Where do the references teach or suggest automatically locking an indicator device? Where do the references relate cassette removal to automatic locking?

Claim 60

Note Applicants' remarks in support of the patentability of claim 1. Where do the references teach or suggest automatically locking an indicator device? Where do the references relate closing a cassette lid to automatic locking?

The Dependent Claims

The references also does not teach or suggest the recited dependent claims. Each of the dependent claims depends directly or indirectly from an independent claim. The Applicants have shown the independent claims to be allowable. Thus, it is asserted that the dependent claims are allowable on the same basis. Furthermore, each dependent claim additionally recites specific features and relationships that further patentably distinguish the claimed invention over the references.

Conclusion

Allowance of all of Applicants' pending claims is respectfully requested. The undersigned will be happy to discuss any aspect of the Application by telephone at the Office's convenience.

Respectfully submitted,



Ralph E. Jocke Reg. No. 31,029
WALKER & JOCKE
231 South Broadway
Medina, Ohio 44256
(330) 721-0000